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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Anthony BONNET et al.

Confirmation No.: 8848

Serial No.: 09/988,801

Examiner: Raymond Alejandro

Filed: November 20, 2001

Group Art Unit: 1745

Title: MICROCOMPOSITE POWDER BASED ON AN ELECTRICAL CONDUCTOR AND A FLUOROPOLYMER, AND OBJECTS MANUFACTURED WITH THIS POWDER

RESPONSE TO REQUIREMENT FOR RESTRICTION

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed June 18, 2003, and the restriction requirement set forth therein, Applicants hereby elect Group I, claims 1-10, drawn to a microcomposite powder. The election is made with traverse for the reasons set forth below. Applicants reserve the right to file one or more divisional applications directed to the non-elected subject matter.

Applicants agree that inventions I and II are related as combination-subcombination. Applicants disagree, however, that the bipolar plate of claims 11-15 does not require the particulars of the microcomposite powder. Claims 11-15 are dependent claims which ultimately depend from claim 1. They require a microcomposite powder exactly as recited in claim 1. As shown in the examples, the microcomposite powder is pressed to make bipolar plates, for example. A bipolar plate or other article made from a material different from the

powder of claims would not be within the literal scope of claims 11-15. Thus, the basis for the restriction is incorrect and the restriction between Groups I and II should be withdrawn.

As to the restriction of Group III, the method of making, from Groups I and II, applicants urge that this restriction also be withdrawn. Applicants urge that they are entitled to examination of one method of making invention together with the product claims. The method of making claim should thus be examined or be rejoined with the product claims upon a finding of allowance of the product claims.

Regarding the Election of Species requirement, because Groups I and II should be examined together, applicants will make an election of species, even though they have elected Group I. Applicants elect the species of the bipolar plates. However, it is believed that the search of the underlying microcomposite powder will encompass either of the bipolar plate or supercapacitor uses. Thus, all species of the claims should be examined together since there is no additional search burden to include all species.

Favorable action is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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Attorney Docket No.: ATOCM-238

Date: July 18, 2003